been by the Mahazars and petitions now presented, shall receive the earnest consideration of Government. If Government cannot be expected to entirely control the administration of religious Institutions, it may certainly prevent misappropriation of religious endowments. This will be one of the first matters for the Muzarayi Superintendent's attention.

Subject No. 12.
Age of Consent Act.

Summary of Discussion.—The amendment of the Indian Penal Code introduced into British India, commonly called the Age of Consent Act, should be extended to Mysore also. Otherwise a man who has done an act which is not an offence in Mysore will become punishable if he went into British territory, and although as a rule marriage was not consummated before the girl was 12 years old, yet there may be a few cases in which consummation takes place earlier, and in those cases hardship should ensue.

Dewan's reply.—It is doubtful that the Act is required in Mysore. We shall see how it works elsewhere.

Subject No. 13.
Prohibition of early Marriage of girls, and Marriage of young girls to aged men.

Summary of Discussion.—A measure prescribing the age, below which girls shall not be given in marriage is very much called for. We know of instances in which infants, two years and even one year old, have been given in marriage. The limit may be fixed at 8 to begin with. Mr. Amble Annaiya Pandit observed that 8 was unsuitable and too early; 10 was the limit fixed by the Shastras, but this was often discarded on the ground that parents were advanced in years and that the marriage should be performed in their life-time, or that a wealthy husband is at the moment available and may not be available if the marriage were delayed. The age limit may be fixed at 9 or 10, and there should also be a prohibition against the marriage of young girls to aged men. Thereby, widowhood will be prevented or diminished and weak progeny avoided. Mr. Venkatakrishnaiya (R. M. from the Mysore Rate-payers' Association) observed that it may be laid down that there should not be a greater difference than 30 years between the ages of the bride and bridegroom. Mr. Rangaiya remarked that this would be too much. Some Representatives who were Non-Brahmins joined in the discussion and on its being pointed out that the evil existed among Brahmins only and that it was for members of that community to determine what was tolerable disparity in age between bride and bridegroom. Mr. Channappa (R. M. from Chintamani) observed that the Shastras placed no such restriction as that now under discussion and to ask for such a restriction was to ask for a law not in accordance with the Shastras and this was inconsistent with the desire manifested in the discussion regarding Matts and religious instruction. There is nothing unnatural in aged parents desiring early marriages and settlements for their children, because parents were the best judges of what was a good match or a suitable match for their child and it is only right that they should secure such a match during their life-time. Ill-matched marriages for

the sake of wealth were rare. Again, to wait till a girl is 10 years old before marrying her would be acting against the Shastras. Neighbours and co-religionists would disapprove of a girl being kept unmarried till her 10th year and there is risk of her going wrong by being forced or tempted. To keep her unmarried so long is against the Shastras and parents and guardians should be free to exercise their judgment and discretion. Mr. Rangaiengar (R. M. from Krishnarajpet) remarked that a restriction of the kind proposed would be practically prohibiting second marriage of men whoiwere 40 years or more of age. A wife is necessary for a Brahmin for religious ceremonies (agnihotra). If she becomes a widow, it is her fate or misfortune. In his opinion there should be no restrictions. Mr. Sadasiva Rao (R. M. from Dodballapur Municipality) followed on the same side and remarked that often times a second marriage was sought by a man because he has had no issue by the first marriage and issue is necessary for attaining heaven, so that if a restriction against men more than 40 years old marrying were adopted, it would be desirable to confine this restriction to the cases of those who had children already. As to the girls' age, he saw no harm in early marriages and none was explained. As to infant marriages, these were rare and out of the reckoning. Mr. Narasimhaiya (R. M. from Chamrajnagar Taluk) considered that the proper limit to be fixed for girls was 8 to 10, and as to prohibition against men 40 years or more old marrying, such a one had never been heard of or anywhere mentioned in the Shastras or Puranas. Marriage is *Kannyadana* (gift of a girl) and not *Kannya Vikraya* (sale of a girl) ; prohibit *Kannya Vikraya* if you like. Mr. C. Malhar Rao (R. M. from the Nagar Sabha, Shimoga District) remarked that the question was a difficult one and that that was not the place for its decision. It should be first discussed with the heads of the various sects. He saw no reason why a strong and healthy man should not marry if he were even more than 40 years old. Europeans married often at 50. If marriage were prohibited in such cases, immorality would result. Mr. Sitaramaiya (R. M. from Chintamani Taluk, Kolar District) observed that whether a man or a woman was to marry but once or oftener was a matter of his or her fate. He saw no need for legislation in what was a matter of destiny and against the laws of creation which made man and woman for each other. Mr. Yedahalli Bhanappa (R. M. from the Yedahalli Sub-Taluk, Kadur District) with reference to the requisition for freedom to a man to marry a second time because he had no issue by the first marriage, observed that there was no guarantee that a second marriage would be fruitful, rather the chances were that the second marriage would prove fruitless also. On the general question he would say that the Shastras laid down by our ancestors should be our guide. There ought to be no restriction such as is involved in the proposed 10 year limit. Early marriage affords early instruction in the duties of life and creates early attach-

ment and devotion to the husband selected by parents or guardians. The husband and wife married early begin to know and love each other early and this is why there are so rare cases of husband and wife being irreconcilable among Hindu families. Mr. D. Venkataramaiya (R. M. from the Bangalore Taluk) with reference to the question asked by one of the speakers as to the harm arising from freedom to perform early marriages, mentioned an instance, which occurred recently at Bangalore, in which a marriage ceremony was performed between an infant girl 6 months old and a boy 5 years old. And as to old men marrying young girls, he adduced an instance in the Kolar District in which 15 years ago, a man (a pensioned official) 65 years old married a girl 7 years old. The evil in these cases can be more easily imagined than described. Mr. Srinivas Rao replied pointing out that the Shastras did not allow marriage before *Garbashtama*, 8th year from conception, so that his proposal was not against the Shastras. The analogy of Europeans marrying in advanced years was no instance in point, because European adult men married adult women and not infants of the female sex. As to the necessity for an old brahmin to marry for the sake of *agnihotra*, that was no reason for destroying the happiness of a girl. It was at least a most selfish consideration. Ask Matt Priests some say. No Priest says marry at 5.

Dewan's reply.—The question is a large one and the discussion interesting. It is evident that the subject has been considered in its various aspects by the gentlemen who spoke. He was not able to say what course the Government may see fit to adopt. As to the age of Consent Act, he did not consider that it was called for in Mysore where he was not aware of any case in which consummation of marriage took place before the girl was 12 years old. A rule against the early marriage of girls and against the marriage of old men to young girls would no doubt be productive of much real good. Parents and guardians are no doubt responsible to protect their children and wards, and as a rule, do what is best for them. But when they fail in this duty and act prejudicially to the interest of their wards, it behoves Government to interfere for the protection of the children. On this principle and in the belief that such marriages are equally opposed to Hindu Law and common sense, Government may take legislative action. The subject however requires careful consideration and the heads of the various religious institutions in the State will be invited to express their views.

17th October 1891.

Subjects 14 to 20 were introduced by Mr. R. Buchanna (Representative from the North Mysore Planters' Association). Subject No. 21 was introduced by Mr. Grey (Representative from the Gold Mining Board) ; 22 to 26 by Mr. C. Srinivas Rao (Representative from Chikmagalur Municipality) ; 27 by Mr. M. Venkatakrishnaiya (Representative from the Rate-payers' As-

sociation, Mysore); 28 to 32 by Mr. Amble Annaiya Pandit (Representative from the District Local Fund Board, Mysore); 33 to 37 by Mr. Hosur Nanjunda Rao (Representative from the Davangere Taluk, Chitaldroog District); 38 by Mr. C. Srinivas Rao (aforesaid Representative from the Chikmagalur Municipality); 39 to 41 by Mr. Subrahmanya Sastri (Representative from the District Local Fund Board, Kadur District) and 42 by Mr. Nadig Ramanna (Representative from the Yedahalli Sub-Taluk, Kadur District). Subjects Nos. 43 and 44 were introduced by Mr. H. Hart (Representative from the City Municipality, Bangalore).

Subject No. 14.

The working of Act XIII of 1859. (see also subject No. 3 supra).

Summary of Discussion.—Mr. Graham Anderson in 1888, Mr. Clifford in 1889 and Mr. Brett in 1890, each went fully into the question of the working of Act XIII of 1859, and showed how the Act itself was totally inadequate for the protection of Planters from fraud and how owing to the conflicting rulings of the Chief Court of Mysore, the proper enforcement of the Act had become impossible. Last year, the Dewan was good enough, in reply to Mr. Bretts' representation on the subject, to say that "if the combined efforts of Planters' " Associations in Southern India succeeded in securing for " them an improved and more satisfactory enactment for the " enforcement of labor contracts, the Darbar will be prepared " at once to adopt the same with such modifications as local " circumstances may render desirable." The Planters of Mysore are thankful for this assurance. But in the meanwhile, something must be done to secure an efficient working of the Act as it now stands. In reply to Mr. Brett, the Dewan was good enough to say at the last Assembly that " the represen- " tation then made would be brought to the notice of the Chief " Court with a view to every consideration being given to it, " and the necessary steps being taken to ensure an efficient " working of Act XIII of 1859 as it stands, by the issue of " such instructions for the guidance of the Magistracy as may " be called for from time to time".

But notwithstanding this, the Chief Court, it would appear from some of its recent rulings, seem to think that the money advanced to coolies is pressed on them, almost against their will, and once this is done, is used as a chain by which to bind them to work for an indefinite time. But as a matter of fact, the great majority of Planters have not the remotest idea of so doing; on the contrary, as long as the cooly to whom money has been advanced comes to the estate, (often months behind time) and works off his advance, he is invariably treated with the greatest leniency. If His Highness' Government would only call for information from Deputy Commissioners and Magistrates of the Planting Districts, it would doubtless find this to be the case. The rulings here referred to, are those which Mr. Elliot instanced the previous day on behalf of the South Mysore Planters' Association, and in view of them it